UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,702	09/15/1999	ANOOP GUPTA	MS1-302US	7828

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EXAMINER
MOFIZ, APU M

ART UNIT	PAPER NUMBER
2175	18

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6, 12, 13 and 28-91* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, 12, 13 and 28-91* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

DIANE D. MIZRAHI
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *15*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Response to Applicant's Remarks

1.   Applicant's arguments submitted on 01/30/04 with respect to claims 73-91 have been reconsidered but are not deemed persuasive for the reasons set forth below.

Applicant argues (under REMARKS section) that Gabby does not teach or suggest graphically ordering the annotations in a desired order of presentation in response to user input; reordering the plurality of identifiers in accordance with user input to change the order in which the media segments are to be presented; receiving an indication of particular user-selected annotations of a plurality of annotations, wherein each of the plurality of annotations corresponds to a media stream or to one or more media streams; and seamlessly providing one or more of, the user-selected annotations, and at least a portion of the media stream corresponding to each of the user-selected annotations.

Examiner respectfully disagrees. Gabbe teaches:

"The natural partitioning of a complex entity into episodes, goes hand-in-hand with a type of "associative retrieval", i.e., the idea that elements of an episode can be used to trigger recall of the entire or of related episodes [LAMM-92]. Thus, for example, remembering –visually – the point at which someone joined a meeting late, can trigger recall of the entire discussion – words – that ensued as a result. In the context of multimedia systems, we use the term multimodal retrieval as a catch-all for retrieval mechanisms that allow retrieval mechanisms that allow retrieval of one type of media or data by use of another type." ... "As shown in Figure 1, IERS can be associated with every type of element in the recorded system. In the area of control events, for example, one can easily imagine using symbolic IERs to represent or user launching /killing applications, typing in special annotations, or initiating a phone call. Generating a visual icon based upon one or more frames of a video clip is an example of a

visual IER [TEOD-93]." ... "As discussed in the subsequent section on our multimedia-conference-recording application, the icons may be presented to the user as a film strip (iconic slider) through which the user can scroll or jump (see Figure 2). Since each IER is associated with a Last_Record_Generated vector, a user can redisplay all or part of the entire state of the recorded system associated with with the icon by "selecting" it. The icons also serve as easily identifiable anchor points for attaching annotations, control events, and index records to episodes." ... "To form building blocks for episodes, we need to process these streams into segments on the fly and augment them with ancillary information. We call the augmented stream segments clips." ... "A clip is composed of a video segment augmented by such items as an IER and a scene label.".

The quoted text excerpts clearly indicates that multimedia streams are divided into episodes. The episode consists of a plurality of continuous/seamless frames. The IER is associated with an episode. The annotations can be typed in an IER. Therefore IER is basically a visual annotation to the associated episode. IERs combined with the episodes are called clips. An user, who may joins the conference late is presented with a table of IERs. The user can scroll or jump through the icons to catch up with the conference and play the missed episodes/clips by selecting the icons. Therefore the user can change the natural order of playing the episodes/clips. Within each episode the playback is seamless. The IERs and their associated episodes must be stored in a persistent storage and otherwise they would be lost. The file/ databases are universally age-old mechanism to store information. The applicant does not claim any special features of a database that enhanced the multimedia retrieval process. The applicant merely uses database to store the multimedia information. The IERs are displayed in some kind of window, allowed by window system (Figure 2) (e.g. Microsoft windows programming, Motif GUI standards in UNIX or Java GUI standard). Dragging is allowed by all of the above GUI standards. Therefore a user can drag the icons to reorient them

along the desired sequence and replay the interesting portion/clips of the conference in

the desired order. User also can select particular icons by using a mouse. Dragging

visual entities in a window is a very basic feature of a GUI window. The icons with

attached annotation serve as easily identifiable anchor points control events and index

records to episodes. Therefore these visual annotations with scene label work as

identifiers to the seamless frames of the episodes.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*,
418 F.2d 528, 163 USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).
        Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

3.   Claims 1-6,12-13 and 28-91 are rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1-18 of

Purnaveja et al. (U.S. Patent No. 6,006,241 and Purnaveja hereinafter), claims 1-18 of

Purnaveja et al. (U.S. Patent No. 6,230,172 and Purnaveja hereinafter), claims 1-39 of

Chaddha et al. (U.S. Patent No. 6,173,317 and Chaddha hereinafter), claims 1-25 of

Gupta et al. (U.S. Patent No. 6,484,156 and Gupta hereinafter). Although the

conflicting claims are not identical, they are not patentably distinct from each other

because the subject matter claimed in the instant application is fully disclosed in the

patent and is covered by the patent since the patent and the instant application are

claiming common subject matter and they are substantially similar in scope and they

use the same limitations, using varying terminology.

Claims 1-6,12-13 and 28-91 of the instant application corresponds to claims 1-

18 of the 6,006,241 patent, claims 1-18 of 6,230,172 patent, claims 1-39 of 6,173,317

patent and claims 1-25 of 6,484,156 patent.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-6,12-13 and 28-91 are rejected under 35 U.S.C. 102(e) as being

anticipated by Gabbe et al. ("Towards Intelligent Recognition of Multimedia Episodes in

Real-Time Applications" 1994 ACM 0-89791-686-7/94/0010 and Gabbe hereinafter).

As to claims 1-6,12-13 and 28-91, Gabbe teaches receiving an indication of a

plurality of annotations selected by a user, wherein each of the plurality of annotations

corresponds to a media stream or to one or more media streams (i.e. the movie parser

segments the video material into chunks of contextual information and also the system

provides video recording, indexing, annotating, browsing tools and playback features; In

this system the user may select a video image and annotate the image with text for

subsequent use (i.e. the system allows the user to parse the seamless media stream

into images and allows the user to index and annotate the images and also allows the

user to playback the movie/seamless media stream with textual annotations)) (page

235, col 1-2); presenting a plurality of annotation identifiers (i.e. indexes) to the user;

allowing the ordering of the plurality of annotation identifiers to be changed by the user

(i.e. the system allows the user create indexes and hence change the ordering of

images and annotations) (page 235, col 1-2); seamlessly providing one or more of , the

plurality of annotations, and at least a portion of the media stream corresponding to

each of the plurality of annotations; wherein seamlessly providing comprises seamlessly

providing the one or more of the plurality of annotations and the portions of the media

stream corresponding to each of the plurality of annotations in an order defined by the

order of the plurality of annotation identifiers (page 235, col 1-2).

Conclusion

6.   **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded

of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Points of Contact

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Apu M. Mofiz whose telephone number is (703) 605-4240. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached at (703) 3053830. The fax numbers for the group is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Apu M. Mofiz
Patent Examiner
Art Unit 2175

DIANE D. MIZRAHI
PRIMARY PATENT EXAMINER
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March 18, 2004